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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

VANCE SMITH,

Defendant and Appellant.

D077039

(Super. Ct. No. SCN405260)

APPEAL from a judgment of the Superior Court of San Diego County, James E. Simmons, Jr., Judge. Affirmed.

Matthew R. Garcia, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Vance Smith pleaded guilty to one count of criminal threats (Pen. Code,¹ § 422). He also admitted a strike prior (§ 667, subds. (b)-(i)). The remaining charges and

¹ All further statutory references are to the Penal Code unless otherwise specified.

allegations were dismissed in accordance with the plea agreement. Smith's *Marsden*² motion and motion to withdraw his guilty plea were denied. The court imposed a three-year prison term but suspended the execution of that sentence and granted Smith probation on various terms and conditions.

Smith filed a timely notice of appeal.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), indicating he has not been able to identify any arguable issues for reversal on appeal. Counsel asks the court to review the record for error as mandated by *Wende*. We offered Smith the opportunity to file his own brief on appeal, but he has not responded.

STATEMENT OF FACTS

At the change of plea hearing Smith admitted he unlawfully threatened to commit a crime which would result in death of another, with the specific intent that the statement be taken as a specific threat and cause a person to be reasonably scared for their safety.

DISCUSSION

As we have noted, appellate counsel has filed a *Wende* brief and asks this court to review the record for error as mandated by *Wende*. To assist the court in its review of the record, and in compliance with *Anders v. California* (1967) 386 U.S. 738 (*Anders*), counsel has identified two possible issues that were considered in evaluating the merits of

² *People v. Marsden* (1970) 2 Cal.3d 118.

this appeal: 1) Whether the court erred in denying Smith's motion to withdraw his guilty plea; and 2) Whether the court erred in denying his motion to substitute defense counsel.

We have reviewed the entire record as required by *Wende* and *Anders*. We have not discovered any arguable issues for reversal on appeal. Competent counsel has represented Smith on this appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, J.

WE CONCUR:

McCONNELL, P. J.

HALLER, J.